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Schenectady, New York 12305  
(518)346-1284

**Northeast Parent &  
Child Society**

02-6

# Fax

FILED/ACCEPTED

JUN - 5 2008

Federal Communications Commission  
Office of the Secretary

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JUN - 5 2008

Federal Communications Commission  
Office of the Secretary

**To:** Marlene Dortch/Fed Comm Commissions **From:** Janice Stewart/NPCS

**Fax:** 1-866-418-0232 **Pages:** 6

**Phone:** **Date:** 06/04/08

**Re:** Letter of Appeal **cc:**

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:**

Attached please find our information that was sent to you on 1/08/08 regarding a latter of appeal. As of today we have not heard back a response. Please inform us of an approximate time of confirmation. Any questions, please contact me at 518-346-1284 X 3301.  
Thank you,  
Janice

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## File an Appeal - Schools and Libraries - USAC

Page 2 of 3

3. Your letter of appeal must also include the Billed Entity Name, the relevant form application and Funding Request Numbers (if available), and the Billed Entity Number.
4. Explain your appeal and include copies of all relevant documentation. Please provide as much detailed information as possible. When explaining your appeal, copy the language or text from the decision that is at the heart of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
5. Provide an authorized signature on your letter of appeal when you file your appeal by mail, by express delivery service, by hand delivery, or by facsimile. When you file your appeal, you must include the name, title, telephone number, and email, if available, of the authorized person.

**Please note:** The more detail you provide in your letter of appeal, the easier it will be for USAC to respond. However, USAC will thoroughly research your appeal and consider all the documentation you have submitted that relates to the decision you are appealing. For further guidelines, see Appeals Guidelines.

**OPTION B - FILE AN APPEAL DIRECTLY WITH THE FCC**

A Program participant may file an appeal directly with the FCC of a USAC decision or of USAC's response to a Letter of Appeal. *The Program participant must file its appeal to the FCC within 60 days of the date of the USAC decision.*

Please note that the FCC will usually dismiss an appeal if it is filed while USAC is reviewing the same appeal from you. You can file an appeal with the FCC instead of USAC or after USAC has issued its decision on an appeal request.

Indicate CC Docket No. 02-6 on the first page of your appeal.

If you are submitting a letter of appeal requesting review of a decision made by USAC, please use the language "Request for Review" on the first page.

If you are filing a request for a waiver of a deadline, please use the language "Request for Waiver" or "Waiver Request," so that it is clear what you request.

If you are alleging prohibitive conduct by a third party, there are additional rules for serving a copy on that third party and allowing them to respond. Consult 47 C.F.R. §54.721, which can be found in Title 47 of the Code of Federal Regulations.

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The FCC address to which a program participant may direct its appeal sent by USPS is:

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

**JUN - 5 2008**

Federal Communications Commission  
Office of the Secretary

Documents sent by Federal Express or any other express mail should use the following address:

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743  
(8AM - 5:30PM ET)

For hand-delivered or messenger-delivered items use the following address:

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Natek  
236 Massachusetts Avenue, NE, Suite 110  
Washington, DC 20002  
(8AM - 7PM ET)

For security purposes, hand-delivered or messenger-delivered documents will not be accepted if they are enclosed in an envelope. Any envelopes must be disposed of before entering the building. Hand deliveries must be held together with rubber bands or fasteners.

Appeals may also be submitted to the FCC electronically using the Electronic Comment Filing System (ECFS). The FCC recommends filing with the ECFS to ensure timely filing. Instructions for using ECFS can be found on the ECFS page of the FCC website. Electronic appeals will be considered filed on a business day if they are received at any time before 12:00 a.m. (midnight), Eastern Standard Time.

## File an Appeal - Schools and Libraries - USAC

Page 3 of 3

**Important note.** Please be sure to reference CC Docket No. 96-45 and CC Docket No. 02-6 on all communications with the FCC. The appeal transmission, whether electronic or paper, must also provide your company's name, the Billed Entity Name, the relevant form application number (if available), and the Billed Entity Number plus necessary contact information including name, address, telephone number, fax number, and email address of the person filing the appeal. Unless the appeal is made electronically via ECFS, please include a copy of the USAC letter being appealed.

Last modified on 12/18/2007

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518-346-1284  
518-377-8714 (fax)  
www.neparentchild.org

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Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

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Federal Communications Commission  
Office of the Secretary

January 7, 2008

Dear Secretary Dortch:

Please be advised that this is a letter of appeal regarding CC Docket No. 02-6, with regard to a USAC decision of November 30, 2007, in which a denial was made of our Request for Waiver of a deadline for filing a reimbursement form.

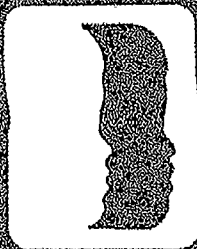
Northeast Parent & Child Society (hereafter referred to as the agency) serves children who have educational and behavioral difficulties which limit their ability to succeed in a traditional public school setting. The agency's school is a special education program certified by the New York State Education Department that serves children from counties and school districts throughout the state of New York. The school is eligible for E-rate at a 90% level due to the number of impoverished families that are enrolled.

The agency requested a deadline waiver regarding E-rate 471 application number 476007, Funding Request Number (FRN) 1323730 for the filing deadline of a Billed Entity Applicant Reimbursement (BEAR form) for this FRN. The BEAR form is sent to the SLD to obtain the reimbursement for approved funding upon completion of the work associated with the funding request. Northeast Parent & Child Society had been granted an extension by the SLD for completion of the FRN until September 30, 2006. The agency then had 120 days to file the BEAR form.

Northeast Parent & Child Society underwent a major reorganization in the Finance Office beginning September of 2006. In September 2006 a CFO was hired to review the structure of the agency's Finance Office following a required annual audit in August 2006. The agency's reorganization of the Finance Office required significant due diligence, and was performed in a timely manner while allowing for a reasonable continuum of business. During this time, it is unfortunate that the deadline for filing the BEAR form for this single FRN was missed. During the agency's annual audit in August 2007, the external audit team discovered that the BEAR form had not been filed for this approved FRN. We immediately filed an appeal for a Request for Waiver to the SLD which was denied.

FRN 1323730 was approved by the SLD. The only factor in consideration for denial of the reimbursement for this single FRN is the failure to submit paperwork by an SLD imposed date. Loss of these funds, totaling almost \$30,000, would be a hardship to the agency and the children and families it serves as we rely on the funding to provide our school access to telecommunications services.

Because of this, we respectfully request a deadline waiver of the time allowed to file a BEAR form to recover the approved funds. We look to the FCC's earlier decision re: CC Docket No. 02-6, File Nos. SLD-487170, Bishop Perry



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518 377 8714 (fax)  
[www.neparentchild.org](http://www.neparentchild.org)

Middle School et al., which dealt with late filing of other SLD forms. In this decision, the FCC ruled that "immaterial clerical, ministerial, or procedural errors resulted in rejection of their requests". The FCC also ruled, "We find that the denial of funding requests inflicts undue hardship on the applicants"; and that "rigid compliance with the application procedures does not further the purposes of section 254(h) or serve the public interest." Also, in our case, as in the Perry decision, "the applicants' mistakes...could not have resulted in the applicant receiving more funding than it was entitled to".

Would you please advise as to any additional information required to further this appeal. Thank you very much.

Sincerely;

Janice Stewart  
Vice President of Information Technology  
Northeast Parent & Child Society  
530 Franklin St  
Schenectady, NY 12305  
518 346-1284 ext 3301



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June 4, 2008

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